UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

LOUIS BRIAN OLESEN, II, BARBARA OLESEN, AMERICAN SHOOTERS SUPPLY, INC.,

Plaintiffs,

V

06-CV-0959FJS/DRS

JOHN MORGAN, Special Agent of the Federal Bureau of Alcohol, Tobacco and Firearms,

Defendant.

NOTICE OF MOTION

MOTION BY: JOHN MORGAN, Special Agent of the

Federal Bureau of Alcohol, Tobacco

and Firearms

DATE, TIME AND PLACE: Submitted on the papers

SUPPORTING PAPERS: Memorandum of Law in Support of

Dismissal

RELIEF SOUGHT: Dismissal of Complaint

DATED: February 13, 2009 KATHLEEN M. MEHLTRETTER

Acting United States Attorney Western District of New York

BY: /s/MARY E. FLEMING

Assistant U.S. Attorney Bar Roll Number: 514110 Attorney for Defendant

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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

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Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2009, I electronically filed the foregoing **NOTICE OF MOTION** with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participant(s) on this case:

William J. Dreyer, Esq.

/s/MARQUITTA R. WHITEHEAD Legal Assistant